



Rep. William D. Burns

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LRB096 21099 RLC 39180 a

1 AMENDMENT TO HOUSE BILL 6462

2 AMENDMENT NO. _____. Amend House Bill 6462 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 1961 is amended by
5 changing Sections 11-14, 11-14.1, 11-14.2, 11-15, 11-15.1,
6 11-17.1, 11-18.1, 11-19, 11-19.1, and 11-19.2 as follows:

7 (720 ILCS 5/11-14) (from Ch. 38, par. 11-14)

8 Sec. 11-14. Prostitution.

9 (a) Any person who performs, offers or agrees to perform
10 any act of sexual penetration as defined in Section 12-12 of
11 this Code for any money, property, token, object, or article or
12 anything of value, or any touching or fondling of the sex
13 organs of one person by another person, for any money,
14 property, token, object, or article or anything of value, for
15 the purpose of sexual arousal or gratification commits an act
16 of prostitution.

1 (b) Sentence.

2 Prostitution is a Class A misdemeanor. A person convicted
3 of a second or subsequent violation of this Section, or of any
4 combination of such number of convictions under this Section
5 and Sections 11-15, 11-17, 11-18, 11-18.1 and 11-19 of this
6 Code is guilty of a Class 4 felony. When a person has one or
7 more prior convictions, the information or indictment charging
8 that person shall state such prior conviction so as to give
9 notice of the State's intention to treat the charge as a
10 felony. The fact of such prior conviction is not an element of
11 the offense and may not be disclosed to the jury during trial
12 unless otherwise permitted by issues properly raised during
13 such trial.

14 (c) A person who violates this Section within 1,000 feet of
15 real property comprising a school commits a Class 4 felony.

16 (d) Notwithstanding the foregoing, if it is determined,
17 after a reasonable detention for investigative purposes, that a
18 person suspected of or charged with a violation of this Section
19 is a person under the age of 18, that person shall be immune
20 from prosecution for a prostitution offense under this Section,
21 and shall be subject to the temporary custody provisions of
22 Section 2-5 of the Juvenile Court Act of 1987. There is a
23 rebuttable presumption that any person under 18 years of age
24 engaged in prostitution is abused or neglected within the
25 meaning of Section 2-3 of the Juvenile Court Act of 1987 and
26 that it is necessary to place that person in protective custody

1 until a placement is found that is in the best interests of
2 that person. Pursuant to the provisions of Section 2-6 of the
3 Juvenile Court Act of 1987, a law enforcement officer who takes
4 a person under 18 years of age into custody under this Section
5 shall immediately report an allegation of "the human
6 trafficking of a child" to the Illinois Department of Children
7 and Family Services, which shall conduct an initial
8 investigation into child abuse or child neglect within 14 days.
9 (Source: P.A. 91-274, eff. 1-1-00; 91-498, eff. 1-1-00; 91-696,
10 eff. 4-13-00.)

11 (720 ILCS 5/11-14.1)

12 Sec. 11-14.1. Solicitation of a sexual act.

13 (a) Any person who offers a person not his or her spouse
14 any money, property, token, object, or article or anything of
15 value for that person or any other person to perform any act of
16 sexual penetration as defined in Section 12-12 of this Code, or
17 any touching or fondling of the sex organs of one person by
18 another person for the purpose of sexual arousal or
19 gratification, commits the offense of solicitation of a sexual
20 act.

21 (b) Sentence. Solicitation of a sexual act is a Class B
22 misdemeanor. If the person solicits an act of sexual
23 penetration with a person who is under the age of 18, the
24 penalty is a Class 1 felony.

25 (c) A peace officer who arrests a person for a violation of

1 this Section may impound any vehicle used by the person in the
2 commission of the offense. In such a case, the additional
3 provisions of subsection (c) of Section 11-15 shall apply.

4 (Source: P.A. 91-696, eff. 4-13-00.)

5 (720 ILCS 5/11-14.2)

6 Sec. 11-14.2. First offender; felony prostitution.

7 (a) Whenever any person who has not previously been
8 convicted of or placed on probation for felony prostitution or
9 any law of the United States or of any other state relating to
10 felony prostitution pleads guilty to or is found guilty of
11 felony prostitution, the court, without entering a judgment and
12 with the consent of such person, may sentence the person to
13 probation.

14 (b) When a person is placed on probation, the court shall
15 enter an order specifying a period of probation of 24 months
16 and shall defer further proceedings in the case until the
17 conclusion of the period or until the filing of a petition
18 alleging violation of a term or condition of probation.

19 (c) The conditions of probation shall be that the person:
20 (1) not violate any criminal statute of any jurisdiction; (2)
21 refrain from possessing a firearm or other dangerous weapon;
22 (3) submit to periodic drug testing at a time and in a manner
23 as ordered by the court, but no less than 3 times during the
24 period of the probation, with the cost of the testing to be
25 paid by the probationer; and (4) perform no less than 30 hours

1 of community service, provided community service is available
2 in the jurisdiction and is funded and approved by the county
3 board.

4 (d) The court may, in addition to other conditions, require
5 that the person:

6 (1) make a report to and appear in person before or
7 participate with the court or such courts, person, or
8 social service agency as directed by the court in the order
9 of probation;

10 (2) pay a fine and costs;

11 (3) work or pursue a course of study or vocational
12 training;

13 (4) undergo medical or psychiatric treatment; or
14 treatment or rehabilitation by a provider approved by the
15 Illinois Department of Human Services;

16 (5) attend or reside in a facility established for the
17 instruction or residence of defendants on probation;

18 (6) support his or her dependents;

19 (7) refrain from having in his or her body the presence
20 of any illicit drug prohibited by the Cannabis Control Act
21 or the Illinois Controlled Substances Act, unless
22 prescribed by a physician, and submit samples of his or her
23 blood or urine or both for tests to determine the presence
24 of any illicit drug;

25 (8) (blank). ~~and in addition, if a minor:~~

26 ~~(i) reside with his or her parents or in a foster~~

1 ~~home;~~
2 ~~(ii) attend school;~~
3 ~~(iii) attend a non-residential program for youth;~~
4 ~~(iv) contribute to his or her own support at home~~
5 ~~or in a foster home.~~

6 (e) Upon violation of a term or condition of probation, the
7 court may enter a judgment on its original finding of guilt and
8 proceed as otherwise provided.

9 (f) Upon fulfillment of the terms and conditions of
10 probation, the court shall discharge the person and dismiss the
11 proceedings against him or her.

12 (g) A disposition of probation is considered to be a
13 conviction for the purposes of imposing the conditions of
14 probation and for appeal, however, discharge and dismissal
15 under this Section is not a conviction for purposes of this Act
16 or for purposes of disqualifications or disabilities imposed by
17 law upon conviction of a crime.

18 (h) There may be only one discharge and dismissal under
19 this Section.

20 (i) If a person is convicted of prostitution within 5 years
21 subsequent to a discharge and dismissal under this Section, the
22 discharge and dismissal under this Section shall be admissible
23 in the sentencing proceeding for that conviction as evidence in
24 aggravation.

25 (Source: P.A. 95-255, eff. 8-17-07.)

1 (720 ILCS 5/11-15) (from Ch. 38, par. 11-15)

2 Sec. 11-15. Soliciting for a prostitute.

3 (a) Any person who performs any of the following acts
4 commits soliciting for a prostitute:

5 (1) Solicits another for the purpose of prostitution;

6 or

7 (2) Arranges or offers to arrange a meeting of persons
8 for the purpose of prostitution; or

9 (3) Directs another to a place knowing such direction
10 is for the purpose of prostitution.

11 (b) Sentence. Soliciting for a prostitute is a Class A
12 misdemeanor. A person convicted of a second or subsequent
13 violation of this Section, or of any combination of such number
14 of convictions under this Section and Sections 11-14, 11-17,
15 11-18, 11-18.1 and 11-19 of this Code is guilty of a Class 4
16 felony. When a person has one or more prior convictions, the
17 information or indictment charging that person shall state such
18 prior conviction so as to give notice of the State's intention
19 to treat the charge as a felony. The fact of such prior
20 conviction is not an element of the offense and may not be
21 disclosed to the jury during trial unless otherwise permitted
22 by issues properly raised during such trial.

23 (b-5) A person who violates this Section within 1,000 feet
24 of real property comprising a school commits a Class 4 felony.

25 (c) A peace officer who arrests a person for a violation of
26 this Section may impound any vehicle used by the person in the

1 commission of the offense. The person may recover the vehicle
2 from the impound after a minimum of 2 hours after arrest upon
3 payment of a fee of \$1,000 ~~\$200~~. The fee shall be distributed
4 to the unit of government whose peace officers made the arrest
5 for a violation of this Section. This \$1,000 ~~\$200~~ fee includes
6 the costs incurred by the unit of government to tow the vehicle
7 to the impound. Upon the presentation of a signed court order
8 by the defendant whose vehicle was impounded showing that the
9 defendant has been acquitted of the offense of soliciting for a
10 prostitute or that the charges have been dismissed against the
11 defendant for that offense, the municipality shall refund the
12 \$1,000 ~~\$200~~ fee to the defendant.

13 (Source: P.A. 91-274, eff. 1-1-00; 91-498, eff. 1-1-00; 92-16,
14 eff. 6-28-01.)

15 (720 ILCS 5/11-15.1) (from Ch. 38, par. 11-15.1)

16 Sec. 11-15.1. Soliciting for a minor engaged in
17 prostitution ~~Juvenile Prostitute~~.

18 (a) Any person who violates any of the provisions of
19 Section 11-15(a) of this Act commits soliciting for a minor
20 engaged in prostitution ~~juvenile prostitute~~ where the person
21 ~~prostitute~~ for whom such person is soliciting is under 18 ~~17~~
22 years of age or is a severely or profoundly mentally retarded
23 person.

24 (b) It is an affirmative defense to a charge of soliciting
25 for a minor engaged in prostitution ~~juvenile prostitute~~ that

1 the accused reasonably believed the person was of the age of 18
2 ~~17~~ years or over or was not a severely or profoundly mentally
3 retarded person at the time of the act giving rise to the
4 charge.

5 (c) Sentence.

6 Soliciting for a minor engaged in prostitution ~~juvenile~~
7 ~~prostitute~~ is a Class 1 felony.

8 (Source: P.A. 95-95, eff. 1-1-08.)

9 (720 ILCS 5/11-17.1) (from Ch. 38, par. 11-17.1)

10 Sec. 11-17.1. Keeping a Place of Juvenile Prostitution.

11 (a) Any person who knowingly violates any of the provisions
12 of Section 11-17 of this Act commits keeping a place of
13 juvenile prostitution when any person engaged in prostitution
14 ~~prostitute~~ in the place of prostitution is under 18 ~~17~~ years of
15 age.

16 (b) If the accused did not have a reasonable opportunity to
17 observe the person, it ~~It~~ is an affirmative defense to a charge
18 of keeping a place of juvenile prostitution that the accused
19 reasonably believed the person was of the age of 18 ~~17~~ years or
20 over at the time of the act giving rise to the charge.

21 (c) Sentence. Keeping a place of juvenile prostitution is a
22 Class 1 felony. A person convicted of a second or subsequent
23 violation of this Section is guilty of a Class X felony.

24 (d) Forfeiture. Any person convicted under this Section is
25 subject to the property forfeiture provisions set forth in

1 Article 124B of the Code of Criminal Procedure of 1963.

2 (Source: P.A. 95-95, eff. 1-1-08; 96-712, eff. 1-1-10.)

3 (720 ILCS 5/11-18.1) (from Ch. 38, par. 11-18.1)

4 Sec. 11-18.1. Patronizing a minor engaged in prostitution
5 ~~juvenile prostitute~~. (a) Any person who engages in an act of
6 sexual penetration as defined in Section 12-12 of this Code
7 with a person engaged in prostitution who is prostitute under
8 18 17 years of age commits the offense of patronizing a minor
9 engaged in prostitution ~~juvenile prostitute~~.

10 (b) It is an affirmative defense to the charge of
11 patronizing a minor engaged in prostitution ~~juvenile~~
12 ~~prostitute~~ that the accused reasonably believed that the person
13 was of the age of 18 17 years or over at the time of the act
14 giving rise to the charge.

15 (c) Sentence. A person who commits patronizing a juvenile
16 prostitute is guilty of a Class 1 4 felony.

17 (d) A peace officer who arrests a person for a violation of
18 this Section may impound any vehicle used by the person in the
19 commission of the offense. In such a case, the additional
20 provisions of subsection (c) of Section 11-15 shall apply.

21 (Source: P.A. 85-1447.)

22 (720 ILCS 5/11-19) (from Ch. 38, par. 11-19)

23 Sec. 11-19. Pimping.

24 (a) Any person who receives any money, property, token,

1 object, or article or anything of value from a prostitute or
2 from a person who patronizes a prostitute, not for a lawful
3 consideration, knowing it was earned or paid in whole or in
4 part from or for the practice of prostitution, commits pimping.
5 The foregoing shall not apply to a person engaged in
6 prostitution who is under 18 years of age.

7 (b) Sentence.

8 Pimping is a Class A misdemeanor. A person convicted of a
9 second or subsequent violation of this Section, or of any
10 combination of such number of convictions under this Section
11 and Sections 11-14, 11-15, 11-17, 11-18 and 11-18.1 of this
12 Code is guilty of a Class 4 felony. When a person has one or
13 more prior convictions, the information or indictment charging
14 that person shall state such prior conviction so as to give
15 notice of the State's intention to treat the charge as a
16 felony. The fact of such conviction is not an element of the
17 offense and may not be disclosed to the jury during trial
18 unless otherwise permitted by issues properly raised during
19 such trial.

20 (c) A person who violates this Section within 1,000 feet of
21 real property comprising a school commits a Class 4 felony.

22 (Source: P.A. 91-274, eff. 1-1-00; 91-498, eff. 1-1-00; 91-696,
23 eff. 4-13-00.)

24 (720 ILCS 5/11-19.1) (from Ch. 38, par. 11-19.1)

25 Sec. 11-19.1. Juvenile Pimping and aggravated juvenile

1 pimping.

2 (a) A person commits the offense of juvenile pimping if the
3 person knowingly receives any form of consideration derived
4 from the practice of prostitution, in whole or in part, and

5 (1) the prostituted person ~~prostitute~~ was under the age
6 of 18 ~~17~~ at the time the act of prostitution occurred; or

7 (2) the prostitute was a severely or profoundly
8 mentally retarded person at the time the act of
9 prostitution occurred.

10 (b) A person commits the offense of aggravated juvenile
11 pimping if the person knowingly receives any form of
12 consideration derived from the practice of prostitution, in
13 whole or in part, and the prostituted person ~~prostitute~~ was
14 under the age of 13 at the time the act of prostitution
15 occurred.

16 (c) If the accused did not have a reasonable opportunity to
17 observe the prostituted person, it ~~is~~ is an affirmative defense
18 to a charge of juvenile pimping that the accused reasonably
19 believed the person was of the age of 18 ~~17~~ years or over or was
20 not a severely or profoundly mentally retarded person at the
21 time of the act giving rise to the charge.

22 (d) Sentence.

23 A person who commits a violation of subsection (a) is
24 guilty of a Class 1 felony. A person who commits a violation of
25 subsection (b) is guilty of a Class X felony.

26 (e) For the purposes of this Section, "prostituted person"

1 means any person who engages in, or agrees or offers to engage
2 in, conduct prohibited by subsection (a) of Section 11-14 of
3 this Code.

4 (Source: P.A. 95-95, eff. 1-1-08.)

5 (720 ILCS 5/11-19.2) (from Ch. 38, par. 11-19.2)

6 Sec. 11-19.2. Exploitation of a child.

7 (A) A person commits exploitation of a child when he or she
8 confines a child under the age of 18 ~~16~~ or a severely or
9 profoundly mentally retarded person against his or her will by
10 the infliction or threat of imminent infliction of great bodily
11 harm, permanent disability or disfigurement or by
12 administering to the child or severely or profoundly mentally
13 retarded person without his or her consent or by threat or
14 deception and for other than medical purposes, any alcoholic
15 intoxicant or a drug as defined in the Illinois Controlled
16 Substances Act or the Cannabis Control Act or methamphetamine
17 as defined in the Methamphetamine Control and Community
18 Protection Act and:

19 (1) compels the child or severely or profoundly
20 mentally retarded person to engage in prostitution ~~become a~~
21 ~~prostitute~~; or

22 (2) arranges a situation in which the child or severely
23 or profoundly mentally retarded person may practice
24 prostitution; or

25 (3) receives any money, property, token, object, or

1 article or anything of value from the child or severely or
2 profoundly mentally retarded person knowing it was
3 obtained in whole or in part from the practice of
4 prostitution.

5 (B) For purposes of this Section, administering drugs, as
6 defined in subsection (A), or an alcoholic intoxicant to a
7 child under the age of 13 or a severely or profoundly mentally
8 retarded person shall be deemed to be without consent if such
9 administering is done without the consent of the parents or
10 legal guardian or if such administering is performed by the
11 parents or legal guardians for other than medical purposes.

12 (C) Exploitation of a child is a Class X felony, for which
13 the person shall be sentenced to a term of imprisonment of not
14 less than 6 years and not more than 60 years.

15 (D) Any person convicted under this Section is subject to
16 the property forfeiture provisions set forth in Article 124B of
17 the Code of Criminal Procedure of 1963.

18 (Source: P.A. 95-640, eff. 6-1-08; 96-712, eff. 1-1-10.)

19 Section 10. The Code of Criminal Procedure of 1963 is
20 amended by changing Section 108B-3 as follows:

21 (725 ILCS 5/108B-3) (from Ch. 38, par. 108B-3)

22 Sec. 108B-3. Authorization for the interception of private
23 communication.

24 (a) The State's Attorney, or a person designated in writing

1 or by law to act for him and to perform his duties during his
2 absence or disability, may authorize, in writing, an ex parte
3 application to the chief judge of a court of competent
4 jurisdiction for an order authorizing the interception of a
5 private communication when no party has consented to the
6 interception and (i) the interception may provide evidence of,
7 or may assist in the apprehension of a person who has
8 committed, is committing or is about to commit, a violation of
9 Section 8-1(b) (solicitation of murder), 8-1.2 (solicitation
10 of murder for hire), 9-1 (first degree murder), 10-9
11 (trafficking of persons and involuntary servitude), 11-15.1
12 (soliciting for a minor engaged in prostitution), 11-16
13 (pandering), 11-17.1 (keeping a place of juvenile
14 prostitution), 11-18.1 (patronizing a minor engaged in
15 prostitution), 11-19.1 (juvenile pimping and aggravated
16 juvenile pimping), 16G-15 (identity theft), 16H-45 (conspiracy
17 to commit a financial crime), 17-3 (forgery), 17-24 (fraudulent
18 schemes and artifices), or 29B-1 (money laundering) of the
19 Criminal Code of 1961, Section 401, 401.1 (controlled substance
20 trafficking), 405, 405.1 (criminal drug conspiracy) or 407 of
21 the Illinois Controlled Substances Act or any Section of the
22 Methamphetamine Control and Community Protection Act, a
23 violation of Section 24-2.1, 24-2.2, 24-3, 24-3.1, 24-3.3,
24 24-3.4, 24-4, or 24-5 or subsection 24-1(a)(4), 24-1(a)(6),
25 24-1(a)(7), 24-1(a)(9), 24-1(a)(10), or 24-1(c) of the
26 Criminal Code of 1961 or conspiracy to commit money laundering

1 or conspiracy to commit first degree murder; (ii) in response
2 to a clear and present danger of imminent death or great bodily
3 harm to persons resulting from: (1) a kidnapping or the holding
4 of a hostage by force or the threat of the imminent use of
5 force; or (2) the occupation by force or the threat of the
6 imminent use of force of any premises, place, vehicle, vessel
7 or aircraft; (iii) to aid an investigation or prosecution of a
8 civil action brought under the Illinois Streetgang Terrorism
9 Omnibus Prevention Act when there is probable cause to believe
10 the interception of the private communication will provide
11 evidence that a streetgang is committing, has committed, or
12 will commit a second or subsequent gang-related offense or that
13 the interception of the private communication will aid in the
14 collection of a judgment entered under that Act; or (iv) upon
15 information and belief that a streetgang has committed, is
16 committing, or is about to commit a felony.

17 (b) The State's Attorney or a person designated in writing
18 or by law to act for the State's Attorney and to perform his or
19 her duties during his or her absence or disability, may
20 authorize, in writing, an ex parte application to the chief
21 judge of a circuit court for an order authorizing the
22 interception of a private communication when no party has
23 consented to the interception and the interception may provide
24 evidence of, or may assist in the apprehension of a person who
25 has committed, is committing or is about to commit, a violation
26 of an offense under Article 29D of the Criminal Code of 1961.

1 (b-1) Subsection (b) is inoperative on and after January 1,
2 2005.

3 (b-2) No conversations recorded or monitored pursuant to
4 subsection (b) shall be made inadmissible in a court of law by
5 virtue of subsection (b-1).

6 (c) As used in this Section, "streetgang" and
7 "gang-related" have the meanings ascribed to them in Section 10
8 of the Illinois Streetgang Terrorism Omnibus Prevention Act.
9 (Source: P.A. 95-331, eff. 8-21-07; 96-710, eff. 1-1-10.)

10 Section 99. Effective date. This Act takes effect upon
11 becoming law."